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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,020	09/22/2003	David Oz	Oz-4	1399

25895 7590 07/08/2004

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EXAMINER

RICHARDSON, JOHN A

ART UNIT PAPER NUMBER

3641

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,020

Applicant(s)

OZ, DAVID

Examiner

John Richardson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-7, 10-14, 16-18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8, 9, 15 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Non Final Rejection

1). The applicant's transmittal dated June 24 2004 amending claim 16 is acknowledged.

2). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3). Claims 1 to 3, 6 to 7, 10 to 14, 16 to 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Swan (WO 93/20398).

The reference discloses an apparatus and a means for incorporating firearm auxiliary equipment comprising a firearm rail connector (Figure 5) with a front sight (item 222), a connector / interface element (item 4) to mount the said connector / interface element to the said front sight as part of engagement surface structure, item 190, as shown in Figure 3, and the said connector / interface element the reference also discloses a plurality of rails (at least six as disclosed in Figure 6A, items 22, 23, 41, 42, 142, 143,

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and the rails shown as items 162, 163, 182, and 183), a fastener connecting the said connector / interface element to the said rail connector in the form of a yoke detail (item 110), relating to claim 2, the reference discloses a hand-guard portion linked to the said connector / interface element and arranged for mounting about the firearm gun barrel and wherein a plurality of co-axial rails are formed with the said hand-guard as disclosed for example, in rail items 162, 163, 182, 183, relating to claims 6-7, the reference discloses the said rail is connector is in the form of two separate sections (items 20, 40), relating to claims 10-13, the said hand-guard is joined to the said fastener arrangement as shown in Figure 4 and essentially connected by the said fastening member to the hand-guard and incorporating the said four rail items 162, 163, 182, 183, and additionally the said fastener, item 110, is engaged by means of toothed openings / toothed ring (items 111, 114, 115) and the said hand-guard is arranged in two halves about the barrel of the said firearm (items 200), and relating to claim 14, the reference discloses the said fastener (item 110) configured with two pivotable elements (items 90, 180) that merge / unite / combine, relating to claims 16-18, the reference discloses a integration means (see 1st. paragraph, page 1) for incorporating firearm ancillary equipment by forming a firearm rail connector as shown in Figure 5, with a front sight (item 222), a plurality of mounting rails (items 22, 23, 41, 42, 142, 143, 162, 163, 182, and 183), a means for coupling some of the said rails by means of a connector / fastener (item 110) in direct communication and arranged each side of said front sight detail as shown in Figure 4 for example.

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It is noted that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus" if the prior art teaches all the structural limitations of the claim. In re Masham, 2 USPQ2d 1647.

Claims directed to apparatus must be distinguished from prior art in terms of structure rather than functions. In re Dally, 120 USPQ 528, 531.

Apparatus claims cover what a device *is*, not what a device *does*. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP§ 2115, a recitation in a claim to the material or article worked upon, does not serve to limit an apparatus claim.

It is noted that U.S. Patent No. 5,343,650 corresponds to WO 93/20398.

4). Claims 4-5, 8-9, 15, 19-21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

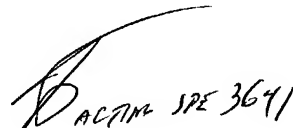
5). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305 7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.



Handwritten signature of John Richardson, with the text "ACTING SPE 3641" written below it.

John Richardson, PE,

June 30 2004.